

**SUBSTITUTE ORDINANCE # 5585**  
**AN ORDINANCE TO AMEND CHAPTER 39 TO ESTABLISH RULES FOR PEDAL CARRIAGE**  
**OPERATIONS AND TO ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY-**  
**PASSENGERS ON PEDAL CARRIAGES (PEDIBIKES)**

**DIVISION 1. DEFINITIONS**

**Sec. 39-223. Definitions.**

The following words and phrases when used when used in this chapter shall have the meaning as set out herein:

Certificate means a Certificate of Public Convenience and Necessity issued by the Memphis Transportation Commission.

Director of police services shall mean the Director of Police Services of the City of Memphis, or his authorized designee

Driver shall mean any person in actual charge of the operation of a Pedal Carriage.

Driver's permit shall mean the permission granted by the Permits Office to a person to drive a Pedal Carriage for hire upon the streets of the City of Memphis.

For hire means agreement to transport a person or persons for a fare.

Holder shall mean a person to whom a Certificate of Public Convenience and Necessity has been issued by the Memphis Transportation Commission.

Memphis Transportation Commission is the commission created and established by the City Council of the City of Memphis as the regulatory body for all taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, wreckers and their drivers that operate upon the streets of the City of Memphis.

Open Container means any container containing alcoholic beverages, the contents of which are immediately capable of being consumed or the seal of which has been broken.

Owner shall mean a person who holds the legal title of the Pedal Carriage or, in the event said vehicle is the subject of an agreement for the conditional sale or lease thereof, owner or lessee.

Pedal Carriage means a pedaled vehicle with three (3) or more wheels steered by one person for the purpose of, transporting passengers in seats made a part of the Pedal Carriage and with pedals for each passenger to help propel the bicycle manually which may also have incidental motor assist. This definition shall not include a bicycle built for two (2) where the operators are seated one behind the other, nor shall it include a bicycle with a trainer or beginner wheels affixed thereto, nor a wheelchair or other vehicle for the purpose of transporting a handicapped person, nor shall it include a tricycle built for a child or an adult with a seat for only one operator *and* no passenger. The term Pedal Carriage is interchangeable with Pedicab.

Permit/license inspector shall mean a Memphis Police Officer and/or a Permits Office staff member trained and authorized to inspect a Pedal Carriage for public safety and observe

the conduct of pedal carriage drivers operating pursuant to this chapter. Upon discovering a violation of the provisions of this chapter, the inspectors) will order or take appropriate action.

Permits-License Administrator means the administrator of the City of Memphis Permits Office.

Permits Office means the City of Memphis Permits Office which administers and enforces certain ordinances.

## **DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE**

### **Sec. 39-224. [Generally].**

No person shall operate or permit to be operated a Pedal Carriage owned to transport persons for compensation upon the streets of the City of Memphis without first having obtained a Certificate of Public Convenience and Necessity issued by the Memphis Transportation Commission.

### **Sec. 39-224A. Company requirements.**

No person shall operate or permit to be in any areas other than the Downtown; Overton Square; The Pinch District; Cooper Young; Broad Avenue District or other entertainment or business districts unless specifically approved by the Permits Office.

Pedal Carriages are prohibited from transporting passengers except on routes approved by the Permits Office.

### **Sec. 39-224B. Application for certificate.**

(a) Any person, partnership, or corporation desiring to secure a certificate of public convenience and necessity shall make application to the Permits Office and pay the application fee of two hundred dollars (\$200.00). The notarized application shall be filed with and dated by the Permits Office.

(b) The application for a certificate shall be upon a form provided by the Permits Office. An applicant for a certificate, including any partner, and any officer or director of a corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:

- (1) Name and address, including all aliases.
- (2) Written proof that the individual is at least twenty-one (21) years of age.
- (3) All residential addresses of the applicant for the past five (5) years.
- (4) The trade name under which the applicant proposes to do business.
- (5) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (6) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant or if a corporation, against any officer, director or shareholder as listed above or, if a partnership, any partner or limited partner, or any other person who is interested directly in the ownership or operation of the business.

- (7) All criminal statutes, whether federal or state, or city ordinance violation for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, except minor traffic violations.
- (8) Fingerprints (may be required).
- (9) The address of the premises from which the vehicle for hire business is to be conducted and the address wherein the vehicles are to be stored and/or serviced.
- (10) If the applicant is a corporation, the name of the corporation and the date and state of incorporation, the name and address of the registered agent, and the names and addresses of all shareholders, as required above, officers and directors of the corporation.
- (11) The number of vehicles to be put into service at the time of application.
- (12) A Statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.
- (13) A business plan.

(c) Within ten (10) days, or a reasonable time thereafter, of receiving the results of the investigation conducted by the Permits Office, the Permits-Licenses Administrator shall present the application at the next regularly scheduled meeting of the Memphis Transportation Commission and place all required public notices. All documents relative to the hearing shall be made be available for inspection prior to the hearing and any interested person may file a statement in support of or in opposition to the issuance of a certificate, and/or may offer testimony at the hearing.

(d) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the Memphis Transportation Commission.

**(Sec. 39-224C. Standards for issuance of certificate.** The Certificate of Public Convenience and Necessity may be issued if an applicant meets the following standards:

- (a) The applicant's financial status shall be such that the applicant shall be capable of operating said vehicle or passenger vehicle for hire service during the time the certificate shall remain in effect.

(b) If the applicant is an individual:

- (1) The applicant shall be at least twenty-one (21) years of age.
- (2) The applicant shall not have outstanding unpaid final judgment.
- (3) The applicant shall not have been convicted of, forfeited bond, or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of application.
- (4) The applicant shall not have been found to have violated this chapter within five (5) years immediately preceding the date of the application.

(c) If the applicant is a corporation:

- (1) All officers and directors shall be at least twenty-one (21) years of age.
- (2) No officer, director or stockholder required to be named under section 39-8 shall have outstanding unpaid final judgments.
- (3) No officer, director or stockholder required to be named under section 39-8 shall have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2). A controlled substance, assignation, prostitution, obscenity, or any crime of sexual nature in any jurisdiction within five (5) years immediately preceding the date of application.
- (4) No officer, director or stockholder required to be named under section 39-8 shall have been found to have violated this chapter within five (5) years immediately preceding the date of application.

(d) If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest

- (1) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least twenty-one (21) years of age.
- (2) The managing partner or manager shall have experience in the operation of a transportation business or in related endeavors.
- (3) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted or forfeited bond or pleaded non contender to a felony or any crime of moral turpitude as defined in T.C.A. § 57-4-203(h) (2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual

nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(4) No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated this chapter within five (5) years immediately preceding the date of the application.

Sec. 39-224D. Insurance.

- (a) No Certificate of Public Convenience and Necessity shall be issued unless the applicant provides to the Permits Office proof of financial responsibility by either a written policy of liability insurance coverage per the requirements of the Risk Management department of the City of Memphis which may be amended from time to time to remain current with the current risk factors or (a) (3), a self-insurance certificate issued by the Commissioner of Insurance and Finance for the State of Tennessee.
- (b) A written policy of liability insurance coverage must be issued by an insurance carrier duly authorized to do business in the State of Tennessee. Any insurance policy issued pursuant to this section shall further provide that the insolvency or bankruptcy of the insured shall not relieve the company from the payment of damages for injuries or death sustained or loss occasioned within the provisions of the policy and that the prepayment of any judgment that may be recovered against the insured upon any claim covered by such policy shall not be a condition precedent to any right of action against the company upon the policy, but that the company shall be bound to the extent of its liability under the policy and shall pay and satisfy such judgment, and that action may be maintained upon such judgment by the injured person or his or her heirs, or personal representatives, as the case may be, to enforce the liability of the company as therein set forth.
- (c) Any insurance policy issued pursuant to this section shall further provide that the same may not be canceled or not renewed without at least thirty (30) days written notice to be sent by registered or certified mail, return receipt requested, to the city treasurer except that cancellation for non-payment of premium shall require no more than ten (10) days, properly mailed, written notice of cancellation.

- (d) If the certificate holder fails to fully and timely comply with all the provisions of subsection

(a)(4), the Certificate of Public Convenience and necessity affected by such fund shall fail

liability  
self-insurance  
cancellation

within the period specified in such notice of cancellation or non-renewal of a insurance policy or self-insurance certificate to provide a policy or certificate meeting the requirements of this section on or before the date of

affected by

or non-renewal, then the certificate of Certificate of Public Convenience and such cancellation or non-renewal shall be immediately suspended. Any such

suspended hearing to return on-renewal, or subsection (a) has funded. Said Permits exists. An be treated

Certificate of Public Convenience and Necessity may be revoked after a public be held following ten (10) days written notice, sent registered or certified mail, receipt requested, the date of post mark and the date of cancellation, the date the subsection (a)(4) fund falls below the level provided for in (4)a. being day one, upon the finding that said policy or self-insurance certificate not been provided or said subsection (a)(4) fund has not been properly suspended Certificate of Public Convenience and may be reinstated by the Office before said hearing or at said hearing, upon compliance in full with the provisions of this section, so long as no other cause for suspension or revocation application for a Certificate of Public Convenience and, after revocation, shall as an initial application.

(e) No passenger vehicles for hire shall be operated upon the suspension or revocation of a Certificate of Public Convenience.

**Sec. 39-224E. Certificate issued to owner only.**

No certificate shall be granted under this chapter to any person unless said person is the owner or has legal possession of such vehicle to be operated as a passenger vehicle(s) for hire.

**Sec. 39-224F. Fee.**

When a certificate is issued and at each authorized renewal thereof, a fee of one hundred twenty-five dollars (\$125.00) for each vehicle in use shall be paid to the Permits Office to defray the cost of administration of this chapter. For any certificate issued or amended after July 1 of any year, the fee shall be sixty-two dollars and fifty cents (\$62.50) for each vehicle in use.

**Sec. 39-224G. Passenger vehicle for hire services.**

All persons engaged in the vehicle for hire service business in the city operating under the provisions of this chapter shall render service to the public desiring to use passenger vehicles for hire. Holders of certificates of public convenience and necessity shall maintain a fixed place of business and a publicly known telephone number(s).

**Sec. 39-224H. Book and accounting records of certificate holder.**

Books, records and statistics shall be kept and maintained by the certificate holder for a period of seven (7) years and a semi-annual comprehensive statement of profit and loss a balance sheet and copies of same shall be available upon request to the Permits Office at any time with notice.



**Sec. 39-224I. Business to be conducted by certificate holder; agreements with drivers.**

The business of every passenger vehicle for hire shall be carried on by the person to whom the certificate is issued under this chapter.

**Sec. 39-224J. Increase in number of vehicles after issuance: enlargement of authority.**

A certificate holder shall not increase the number of vehicles operated pursuant to said certificate without receiving the approval of the Permits Office. If the request is denied, the Permits –Licenses Administrator shall advise the certificate holder in writing of the reasons for such action. If the certificate holder requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be scheduled at the next regularly scheduled meeting of the Memphis Transportation Commission.

**Sec. 39-224K. Accident reports.**

Reports of accidents in which a vehicle for hire service or any passenger vehicle for hire may be involved shall be promptly made to the police services division in accordance with the provisions of Chapter 21 of this Code. The certificate holder and the driver shall each have responsibility for filing a copy of said report with the Permits Office. Upon the happening of any accident or collision, the certificate holder shall forthwith have the vehicle for hire service or passenger vehicle for hire involved therein taken to the garage or repair shop of the certificate holder or to some reputable repair shop.

**Sec. 39-224L. Assignment or transfer of certificate.**

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, transferred, or alienated.

**Sec. 39-224M. Expiration and renewal of the certificate.**

A certificate issued under this article shall expire March 31 of each year at midnight and shall be renewed at the existing level of vehicles as long as the standards for the initial issuance are met. Applications for renewals shall be made by March 10 of each year, by which time all fees for the succeeding year shall have been paid. If the request for renewal is denied, the director or the director's designee shall advise the applicant in writing of the reasons for such denial. If the applicant requests a hearing with ten (10) days of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the Memphis Transportation Commission.

**Sec. 39-224P. Fines, suspensions and revocation of certificate.**

(a) A certificate holder issued under the provisions of this chapter may be fined, suspended or revoked in accordance with the ordinances of the City of Memphis and/or the Rules and Regulations of the Memphis Transportation Commission.



- (b) A certificate holder shall have the right to appeal per the rules and regulations of the Memphis Transportation Commission.

**Sec. 39-224Q. Vehicle drivers.**

- (a) No person shall operate a vehicle for hire upon the streets of the City of Memphis, and no holder of a Certificate of Public Convenience and Necessity who owns or controls a vehicle for hire shall permit it to be so driven, unless the driver of said vehicle for hire shall have first obtained and shall have a current and properly updated passenger vehicle for hire driver's permit which has been issued by the Permits Office.

**Sec. 39-225. Application for a driver's permit.**

- (a) Permits required by this division shall be applied for, in person and in writing, on such forms as the Permits Office may prescribe which forms shall show that:
  - (1) All criminal statutes, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, including motor vehicle and traffic violations.
  - (2) Such other information as the Permits Office may require.
- (b) Such application shall also be accompanied by a Department of Safety, State of Tennessee motor vehicle report; a criminal record check; a statement (form provided) by a reputable physician who is a resident of the city, indicating the length of time which the physician has treated the applicant, showing that the applicant is not disabled by reason of defect of sight, hearing, body, or limb from limousine and indicating any and all conditions for which treatment has safely operating a physical and mental been rendered within the last year and for which treatment continues to be rendered; references of at least three (3) reputable persons containing their name, address, home and work telephone numbers, personally acquainted with the applicant; and a statement from a holder of a certificate of public convenience and necessity indicating that said applicant shall be affiliated with said certificate holder upon the issuance of the permit.
- (c) Driver's permits shall remain the property of the City of Memphis, and may be canceled, revoked, or suspended at any time and will be surrendered on demand.

**Sec. 39-226. Applicant to fill out identification questionnaire and be fingerprinted.**

Each applicant for a driver's permit may appear before the Permits Office, to complete an identification questionnaire, or a form to be provided, and may be required to be fingerprinted.

**Sec. 39-227. Investigation; issuance; not to issue to certain persons.**

- (a) Before issuing a driver's permit under this division, the Permits Office shall

investigate the facts set out in the application and shall not grant such permit to any person who, in the opinion of the Permits Office, after investigation, is not physically or morally fit to drive or operate a limousine for hire in the city

(b) No driver's permit shall be issued to any applicant who has been convicted of, forfeited bail or pleaded nolo contendere to a felony or any crime, involving moral turpitude as defined in Tennessee Code Annotated 57-4-203(H)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction, or been an inmate of reform school or penitentiary as a result of a conviction for a felony, within five (5) years prior to is application for such permit.

(c) The Permits Office may refuse to issue a driver's permit to any applicant whose police record shows conviction for public drunkenness, driving under the influence of intoxicants, repeated moving traffic violations, or any other good and just cause which, in the opinion of the city treasurer, would be inimical to the public health, safety or morals.

(d) No driver's permit shall be issued unless the applicant is at least twenty-one (21) years of age.

(e) It shall be the duty of the Permits Office to issue a driver's permit to any applying therefore, showing compliance with the provisions of the chapter.

### **DIVISION 3. PERMITS OFFICE, REGULATIONS**

#### **Sec. 39-228. Rules and regulations of the Permits Office relative to Pedal Carriages.**

The Permits Office is authorized and directed to make and enforce such additional rules and regulations, not in conflict with the provisions of this chapter, as the Permits Office may deem proper to regulate the operation of Pedal Carriages and drivers for hire, provided that no regulation shall be made or enforced in conflict with this chapter, any other city ordinance, or state law.

#### **Sec. 39-229. Permits Office services; powers; appeal of decisions.**

(a) The Memphis Transportation Commission is vested with full and complete authority to issue, alter, deny, suspend or revoke permits for drivers, as herein provided, and is further vested with the full and complete authority\* duty\* and responsibility to carry into effect the provisions of this chapter. The director of police services may designate an officer to redder rulings or take all other actions herein granted to the director, as indicated by the director.

(b) The Permits-Licenses Administrator shall conduct administrative hearings on those matters requiring same based on the Rules and Regulations of the Memphis Transportation Commission. Decisions of the Permits-Licenses Administrator may be appealed by the driver permit applicant or driver s permit holder within ten (10) days after said decision affecting said person, by filing a written appeal with the director of police services. The director may rule after a review of the record or may set a hearing.as soon as practicable.

(c) A driver permit applicant or driver permit holder aggrieved by any final order or determination of the director in regard to the issuance, denial, suspension or revocation of that person's driver's permit under this chapter may seek judicial review thereof by common law writ of certiorari. No judicial review shall be available until all administrative remedies have been exhausted.

**Sec. 39-230. Notification of arrest or indictment.**

The holder of a driver's permit shall advise the Permits Office immediately of all charges, arrests and indictments, including those for public drunkenness and driving under the influence of intoxicants. The Permits-Licenses Administrator will conduct an administrative hearing in accordance with the rules and regulations of the Memphis Transportation. Decisions of the Permits-Licenses Administrator may be appealed to the Memphis Transportation Commission. It shall also be the responsibility of the certificate holder with which said driver is affiliated to notify the Permits Office of any charges, arrests or indictments. Failure to do so may result in suspension or revocation of said driver's permit.

**Sec. 39-231. Notification of company change of driver.**

At the time a permit is issued, the driver must register with the Permits Office the name of the Petty Carriage for hire certificate holder with which the driver intends to be affiliated. If, at any time a driver wishes to change affiliations the driver must register the change with the Permits Office, and a fee of twenty dollars (\$20.00) will be charged to defray administrative cost. Failure to advise the Permits Office of any such changes may result in suspension or revocation of said driver permit. It shall be the responsibility of the holder of the Memphis Transportation issued Certificate of Public Convenience and Necessity to notify the Permits Office, or his when affiliation with a driver is discontinued. To replace a current permit which is lost destroyed, stolen, or notification of change of company, the fee shall be ten dollars (\$10.00).

**DIVISION 4. FEES, PERMITS**

**Sec. 39-232. Permit fee.**

Each applicant for a permit under the provisions of this division shall pay to the city treasurer, or his designee a fee of thirty-five dollars (\$35.00), at the time of filing the application to cover the cost of processing. For the renewal of such permit the applicant shall pay a fee of seventeen dollars and fifty cents (\$17.50). To replace a lost, destroyed or stolen permit that is current, the fee shall be five dollars (\$5.00).

**Sec. 39-233. Form, size, design and contents.**

A permit issued under this chapter shall be in such size and design as may be prescribed by the Permits Office, or which shall bear on its face a photograph of the driver, the

number of the permit, the expiration date thereof the company with which the driver is affiliated, and such other information as the city treasurer, or his designee may require.

**Sec. 39-234. Display of permit.**

The original permit issued under this chapter containing a photograph and other data on the driver, shall at all times be kept on display in the Pedal Carriage operated by such driver to be read by the passenger, when such Pedal Carriage for hire is under the direction or control of such driver.

**Sec. 39-235. Expiration and renewal.**

- (a) A permit issued under this division shall expire at midnight on the date of birth of the applicant, at which time the permit shall become null and void. Every driver's permit in good standing will be renewable on or three (3) months before its expiration date, upon application and payment of the fee to the permit office, as required in section 39-30. The renewal of the driver's permit within five (5) working days following the date of expiration of the permit will be considered timely renewal of the permit.
- (b) Failure to make timely application for renewal of the driver's permit will result in the payment of a delinquent fee of fifteen (\$15.00) dollars per month, up to three (3) months. Permit holders who have allowed their permits to expire for a period beyond three months will be considered to be a new applicant for a permit and will pay any accumulated fees to the permits office and will conform to all the requirements pertaining to such applicants in obtaining such permits, including physical and drug screen.
- (c) If the driver wishes that his permit be renewed, he shall furnish to the Permits office the following information by the by the 1st of May of each calendar year:
  - (1) Current division of safety, department of transportation motor vehicle report.  
Current criminal record report issued by the city treasurer.
  - (2) Two (2) recent color pictures of the driver two (2) inches square.
  - (4) An affidavit signed by the driver indicating no medical or physical disabilities were suffered during the previous year.
  - (5) A statement from a holder of a State of Tennessee certificate of public convenience and necessity indicting that the driver is a current driver for said certificate holder.
- (d) Every three (3) years a driver shall submit at the time of renewal a certificate by a reputable physician, resident in the city, indicating the length of time which the physician has treated the driver, showing that the driver is not disabled by reason of defective sight, hearing, body or limb from safely operating a motor vehicle and indicating any physical or mental condition for which the driver has received treatment in the previous three (3) years and those for which he continues to receive treatment.

**Sec. 39-236. Fines, suspension, and revocation of permit.**

- (a) The rules and regulations of the Memphis Transportation Commission and the ordinances of the City of Memphis are to be used to suspend or revoke any driver's permit issued under this chapter for a driver's failure to comply with the provisions of this chapter or the rules and regulations specified by this chapter.
- (b) The Permits Office shall notify a driver of the violations with which he is charged and their right to an Administrative Hearing before the Permits-Licenses Administrator the findings of which may be appealed to the Memphis Transportation Commission.

**DIVISION 5. DRIVER'S CONDUCT**

**Sec. 39-237. Conduct of Pedal Carriage drivers.**

- (a) No driver shall engage in selling alcoholic beverages or any controlled substance.
- (b) Drivers shall not engage in abusive language, including but not limited to cursing, verbal insults or derogatory comments in the presence of passengers, potential or engaged, or staff members of regulating authorities.
- (c) While on duty, drivers shall not be under the influence nor engage in the consumption of intoxicants, eluding but not limited to beer and other alcoholic beverages or controlled substances. Any driver charged with driving while intoxicated may have his permit immediately suspended as provided in section 39-209.
- (d) Drivers must present an acceptable appearance, including clean, neat wearing apparel not in need of repair, hats may be worn. Shoes must be worn at all times while serving the public, general appearance must be one of neatness and cleanliness.

**Sec. 39-219.**

**Drivers not to work more than twelve (12) hours out of twenty-four (24).**

No driver shall work more than a maximum of twelve (12) driving hours in the aggregate of any twenty-four-hour period, and such driver shall not begin to drive until he has had at least eight (8) consecutive hours of rest.

**Sec. 39-238. Duty of vehicle for hire inspectors to enforce chapter.**

The director of police and/or the Permits Office of the city are hereby authorized and are instructed to monitor the conduct of holders of Memphis Transportation Commission issued Certificates of Public Convenience and Necessity and Pedal Carriages operating under this chapter. Upon discovering violation of the provisions of this chapter, the designees shall take appropriate action. Any limousine for hire may be stopped at any time, whether or not the vehicle is occupied by the client, for the purpose of checking the driver's permit for compliance of the provisions of this chapter.

**DIVISION 6. CONSUMPTION OF ALCOHOLIC BEVERAGES**

**Sec. 39-239. Consumption of alcoholic beverages**

The consumption of an alcoholic beverage by an individual who is strictly a passenger in the passenger area of a pedal carriage and only while that individual is within the defined premises of the section is permitted. Sales of alcohol by the operator, driver, or riders of this vehicle are prohibited.

- (1) No glassware of any kind shall be allowed on a Pedal Carriage (Pedicab) including but not limited to bottles, receptacles or drinking glasses.
- (2) Alcoholic beverages as defined in this Section may only be consumed from plastic or foam cups.
- (3) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the sound.
- (4) It is the responsibility of the pedal carriage or Pedal Carriage driver to properly dispose of all trash.
- (5) Alcoholic beverages as defined in this Section may be consumed only when the pedal carriage passenger is seated on a Pedal Carriage.
- (6) The Pedal Carriage operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21). If alcoholic beverages as defined in this subsection are present on a pedal carriage, the pedal carriage operator shall not transport persons under the age of eighteen (18) on the pedal carriage.
- (7) If alcoholic beverages as defined in this subsection are allowed to be consumed on a pedal carriage, the pedal carriage operator shall apply for a permit to allow such consumption from the Permits Office. The application fee for such permit is \$25 and the operator of a pedal carriage company shall pay an additional \$25 for each pedal carriage on which alcohol is being consumed. The driver or operator of a pedal carriage shall be in possession of the permit referenced in this subsection at all times alcohol is being consumed on the pedal carriage. Additionally, the registration number issued by the Permits Office shall be conspicuously displayed on the rear of the Pedal Carriage. If a pedal carriage operator fails to operate a permitted pedal carriage for more than 180 days, the permit shall expire.
- (8) Open containers are only allowed while the passenger is only aboard the Pedal Carriage



except when it is the Beale Street Historic District. At the conclusion of an excursion, any open container must remain with the driver to be disposed of in a container provided by the driver.

(9) If a permit is granted to the Pedal Carriage operator, the following notice shall be in full display on the pedal carriage:

(a) When alcohol is present on this pedal carriage, no persons under the age of 18 shall be allowed on the pedal carriage;

(b) Each passenger is asked to drink responsibly; and,

(c) No passenger is permitted to take any opened alcoholic beverage container with them when they exit the pedal carriage.

(10) A Pedal Carriage driver shall not operate a pedal carriage while under the influence of alcoholic beverages nor shall the driver consume alcoholic beverages while operating the pedal carriage.

(11) Any violations of this Section may be enforced as contemplated by City Code §§ 35-254, 35-256 and/or the rules and regulations of the Memphis Transportation Commission which may result in revocation or suspension of the operator's certificate of public convenience and necessity.

THE FOREGOING ORDINANCE  
# 5585 PASSED  
1st Reading 4-21-15  
2nd Reading 5-5-15  
3rd Reading 5-12-15  
Approved [Signature]  
Chairman of Council  
Date Signed: 6-2-15  
Approved: [Signature]  
Mayor, City of Memphis  
Date Signed: 6/25/15

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes  
Comptroller